

APPEAL,JFA

**U.S. District Court
District of Wyoming (Casper)
CRIMINAL DOCKET FOR CASE #: 1:18-cr-00167-ABJ-1
*Internal Use Only***

Case title: USA v. Koch

Magistrate judge case number: 1:18-mj-00086-ABJ

Date Filed: 11/15/2018

Date Terminated: 04/22/2019

Assigned to: Honorable Alan B
Johnson

Appeals court case number:
19-8034

Defendant (1)

Daniel Aaron Koch
TERMINATED: 04/22/2019

represented by **Dean Sanderford**
FEDERAL PUBLIC DEFENDER'S OFFICE
633 17th Street, Suite 1000
Denver, CO 80202
303/294-7002
Email: dean_sanderford@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Federal Public Defender

Tracy Racicot Hucke
FEDERAL PUBLIC DEFENDER'S OFFICE
214 West Lincolnway, Suite 31-A
Cheyenne, WY 82001
307/772-2781
Email: tracy_hucke@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Federal Public Defender

Pending Counts

18 U.S.C. §§ 2252A(a)(5) and
(b)(2) (Possession of Child
Pornography)
(1)

18 U.S.C. §§ 2252A(a)(2)(A) and
(b)(1)(Attempted Receipt of Child
Pornography)

Disposition

Count 1 dismissed by oral motion of the
government

Defendant sentence to 240 months imprisonment;
10 years supervised release; \$100 special
assessment; \$14,000 restitution

(2)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition**Highest Offense Level
(Terminated)**

None

Complaints**Disposition**

Ct: 1 18 U.S.C. §§ 2252A(a)(5) and
(b)(2) (Possession of Child
Pornography) and Ct: 2 18 U.S.C.
§§ 2252A(a)(2)(A) and
(b)(1) (Attempted Receipt of Child
Pornography)

Plaintiff

USA

represented by **Stephanie Hambrick**
US ATTORNEYS OFFICE
100 East B Street, Suite 2211
Casper, WY 82601
307/261-5434
Fax: 307/261-5471
Email: stephanie.hambrick@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: United States Attorney

Timothy J Forwood
UNITED STATES ATTORNEY
2120 Capitol Avenue, Room 4002
PO Box 668
Cheyenne, WY 82003
307/772-2124
Fax: 307/772-2123
Email: timothy.forwood@usdoj.gov
ATTORNEY TO BE NOTICED
Designation: United States Attorney

Date Filed	#	Page	Docket Text
10/12/2018	<u>1</u>		

		COMPLAINT as to Daniel Aaron Koch (1). (Court Staff, skb) [1:18-mj-00086-ABJ] (Entered: 10/12/2018)
10/12/2018	<u>2</u>	Warrant Issued as to Daniel Aaron Koch. (Court Staff, skb) [1:18-mj-00086-ABJ] (Entered: 10/12/2018)
10/12/2018	<u>3</u>	MOTION for Detention Hearing by USA as to Defendant(s) Daniel Aaron Koch. (Court Staff, skb) [1:18-mj-00086-ABJ] (Entered: 10/12/2018)
10/12/2018	<u>4</u>	Warrant Returned Executed on 10-12-18 in case as to Daniel Aaron Koch. (Court Staff, skb) [1:18-mj-00086-ABJ] (Entered: 10/12/2018)
10/12/2018	<u>5</u>	NOTICE OF HEARING as to Daniel Aaron Koch, Initial Appearance set for 10/15/2018 at 02:00 PM in Casper Courtroom No. 1 (Room No. 106) before Honorable R Michael Shickich. (Court Staff, skb) [1:18-mj-00086-ABJ] (Entered: 10/12/2018)
10/15/2018	<u>6</u>	NOTICE OF HEARING as to Daniel Aaron Koch, Initial Appearance RESET for 10/16/2018 at 02:00 PM in Casper Courtroom No. 1 (Room No. 106) before Honorable R Michael Shickich. (Court Staff, skb) [1:18-mj-00086-ABJ] (Entered: 10/15/2018)
10/16/2018	<u>7</u>	Minute Entry: Initial Appearance as to Daniel Aaron Koch held on 10/16/2018. ***Location start/Procedural Interval start as to Daniel Aaron Koch. Proceedings held before Honorable R Michael Shickich. (Court Reporter FTR.) (Court Staff, skb) [1:18-mj-00086-ABJ] (Entered: 10/16/2018)
10/16/2018	<u>8</u>	NON-PUBLIC DOCUMENT pursuant to the Judicial Conference Policy on Privacy and Public Access – CJA 23 Financial Affidavit by Daniel Aaron Koch. (Court Staff, skb) [1:18-mj-00086-ABJ] (Entered: 10/16/2018)
10/16/2018	<u>9</u>	ORDER OF TEMPORARY DETENTION PENDING HEARING PURSUANT TO BAIL REFORM ACT as to Daniel Aaron Koch by the Honorable R Michael Shickich. (Court Staff, skb) [1:18-mj-00086-ABJ] (Entered: 10/16/2018)
10/16/2018	<u>10</u>	NOTICE OF HEARING as to Daniel Aaron Koch, Detention/Preliminary Examination set for 10/19/2018 at 01:00 PM in Casper Courtroom No. 1 (Room No. 106) before Honorable R Michael Shickich. (Court Staff, skb) [1:18-mj-00086-ABJ] (Entered: 10/16/2018)
10/17/2018	<u>11</u>	NOTICE OF HEARING as to Daniel Aaron Koch, Preliminary/Detention Hearing RESET for 10/19/2018 at 09:30 AM in Cheyenne Courtroom No. 2 (Room No. 2116) before Honorable Scott W Skavdahl. (Court Staff, skb) [1:18-mj-00086-ABJ] (Entered: 10/17/2018)
10/18/2018	<u>12</u>	NOTICE OF ATTORNEY APPEARANCE: Tracy Racicot Huckle appearing for defendant Daniel Aaron Koch (Huckle, Tracy) [1:18-mj-00086-ABJ] (Entered: 10/18/2018)
10/18/2018	<u>13</u>	NOTICE RESETTING HEARING as to Daniel Aaron Koch, Preliminary/Detention Hearing reset from 10/19/2018 09:30 AM in Cheyenne Courtroom No. 2 before Honorable Scott W. Skavdahl to 10/19/2018 09:00 AM in Cheyenne Courtroom No. 3 (Room No. 2104) before Honorable Kelly H. Rankin. (Court Staff, szf) [1:18-mj-00086-ABJ] (Entered: 10/18/2018)

10/18/2018	<u>14</u>		SEALED DOCUMENT – PRETRIAL SERVICES BOND REPORT as to Daniel Aaron Koch. Access granted to: Stephanie Hambrick, Tracy Racicot Huckle. (ssandoval,) [1:18–mj–00086–ABJ] (Entered: 10/18/2018)
10/19/2018	<u>15</u>		Minute Entry: Preliminary/Detention Hearing as to Daniel Aaron Koch held on 10/19/2018. Defendant waived Preliminary Hearing, detained. Proceedings held before Honorable Kelly H. Rankin. (Tape #FTR Touch Courtroom No. 3.) (Court Staff, szf) [1:18–mj–00086–ABJ] (Entered: 10/19/2018)
10/19/2018	<u>16</u>		WAIVER of Preliminary Examination or Hearing by defendant Daniel Aaron Koch (Court Staff, szf) [1:18–mj–00086–ABJ] (Entered: 10/19/2018)
10/19/2018	<u>17</u>		ORDER OF DETENTION as to Daniel Aaron Koch by the Honorable Kelly H. Rankin.(Court Staff, szf) [1:18–mj–00086–ABJ] (Entered: 10/19/2018)
10/19/2018	<u>18</u>		Warrant Returned Executed on October 16, 2018 in case as to Daniel Aaron Koch. (Court Staff, szf) [1:18–mj–00086–ABJ] (Entered: 10/19/2018)
11/15/2018	<u>19</u>	9	INDICTMENT as to Daniel Aaron Koch (1) count(s) 1, 2. (Court Staff, stbd) (Entered: 11/15/2018)
11/15/2018	<u>20</u>		Praecipe for Warrant by Plaintiff USA as to Defendant(s) Daniel Aaron Koch. (Court Staff, stbd) (Entered: 11/15/2018)
11/15/2018	<u>21</u>		Warrant Issued as to Daniel Aaron Koch. (Court Staff, stbd) (Entered: 11/15/2018)
11/16/2018	<u>22</u>		NOTICE OF HEARING as to Daniel Aaron Koch, Initial Appearance/Arrestment set for 11/19/2018 09:00 AM in Cheyenne Courtroom No. 3 (Room No. 2104) before Honorable Kelly H. Rankin. (Court Staff, szf) (Entered: 11/16/2018)
11/19/2018	<u>23</u>		Minute Entry: Initial Appearance/Arrestment as to Daniel Aaron Koch (1) Count 1,2 held on 11/19/2018. Defendant pled not guilty, detained. Speedy trial is calculated as January 10, 2019. Proceedings held before Honorable Kelly H. Rankin. (Court Reporter Jan Davis.) (Court Staff, szf) (Entered: 11/19/2018)
11/19/2018	<u>24</u>		NOTICE OF HEARING as to Daniel Aaron Koch, Jury Trial set for 1/7/2019 01:30 PM in Cheyenne Courtroom No. 2 (Room No. 2116) before Honorable Alan B. Johnson. (Court Staff, szf) (Entered: 11/19/2018)
11/19/2018	<u>25</u>		ORDER for Discovery as to Daniel Aaron Koch. Plea Agreement shall be filed with the Court no later than seven (7) days prior to trial by the Honorable Kelly H. Rankin.(Court Staff, szf) (Entered: 11/19/2018)
11/19/2018	<u>26</u>		ORDER for Grand Jury Transcripts as to Daniel Aaron Koch by the Honorable Kelly H. Rankin.(Court Staff, szf) (Entered: 11/19/2018)
11/19/2018	<u>27</u>		Warrant Returned Executed on 11/19/2018 in case as to Daniel Aaron Koch (Court Staff, sbh) (Entered: 11/19/2018)
11/26/2018	<u>28</u>		NOTICE OF INTENT TO OFFER EXPERT TESTIMONY by USA as to defendant Daniel Aaron Koch. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Hambrick, Stephanie) (Entered: 11/26/2018)
12/21/2018	<u>29</u>		NOTICE OF HEARING as to Daniel Aaron Koch: Change of Plea Hearing set for 12/28/2018 at 9:30 AM in Cheyenne Courtroom No. 2 (Room No.

		2116) before Honorable Alan B Johnson (Court Staff, sbh) (Entered: 12/21/2018)
12/26/2018	<u>30</u>	NON-PUBLIC DOCUMENT pursuant to the Judicial Conference Policy on Privacy and Public Access –NOTICE OF GOVERNMENT'S INTENTION TO OFFER EVIDENCE PURSUANT TO RULE 414, Federal Rule of Evidence by USA as to defendant Daniel Aaron Koch (Attachments: # <u>1</u> Exhibit A)(Hambrick, Stephanie)Text/Security Modified on 12/26/2018 (Court Staff, ssw). (Entered: 12/26/2018)
12/27/2018	<u>31</u>	Joint MOTION for Ends of Justice Continuance and to Exclude Time from Speedy Trial Act Time Limits by Defendant Daniel Aaron Koch. (Attachments: # <u>1</u> Proposed Order)(Hucke, Tracy) Text Modified on 12/28/2018 (Court Staff, ssw). (Entered: 12/27/2018)
12/28/2018	<u>32</u>	Minute Entry: Change of Plea hearing converted to Motion Hearing as to Daniel Aaron Koch held on 12/28/2018 re <u>31</u> Joint MOTION to Continue Ends of Justice Continuance and to Exclude Time from Speedy Trial Act Time Limits. Written Order to enter. Proceedings held before Honorable Alan B Johnson. (Court Reporter Jan Davis.) (Court Staff, ssw) (Entered: 12/28/2018)
12/28/2018	<u>33</u>	ORDER granting <u>31</u> Motion for Ends of Justice Continuance and to Exclude Time from Speedy Trial Act Time Limits as to Daniel Aaron Koch (1) by the Honorable Alan B Johnson. Government's Expert Witness Designation Deadline is 1/15/19; Defense Expert Witness Designation Deadline is 2/1/19; Dispositive Motions Deadline 2/1/19; Response to Dispositive Motions 2/8/19; Joint Status Report due by 1/28/19; Plea Agreement deadline 2/1/19; Jury Trial continued to 3/4/19 at 1:30 pm. It is ordered that this time is excluded from the Speedy Trial Act calculation. (Court Staff, ssw) (Entered: 12/28/2018)
12/28/2018		Set Deadlines as to Daniel Aaron Koch: Plea Agreement due by 2/1/2019. Joint Status Report due by 1/28/2019. (Court Staff, ssw) (Entered: 12/28/2018)
12/28/2018	<u>34</u>	NOTICE RESETTING HEARING as to Daniel Aaron Koch: Jury Trial reset for 3/4/2019 at 1:30 PM in Cheyenne Courtroom No. 2 (Room No. 2116) before Honorable Alan B Johnson. (Court Staff, ssw) (Entered: 12/28/2018)
01/28/2019	<u>35</u>	STATUS REPORT by USA as to defendant Daniel Aaron Koch (Hambrick, Stephanie) (Entered: 01/28/2019)
02/01/2019	<u>36</u>	MOTION to Continue Plea Agreement Deadline by Defendant(s) Daniel Aaron Koch. (Attachments: # <u>1</u> Proposed Order)(Hucke, Tracy) (Entered: 02/01/2019)
02/04/2019	<u>37</u>	ORDER granting <u>36</u> Motion to Continue Plea Agreement Deadline as to Daniel Aaron Koch (1) by the Honorable Alan B. Johnson. Plea Agreement deadline extended to 2/8/19. (Court Staff, sbh) (Entered: 02/04/2019)
02/07/2019	<u>38</u>	EX PARTE/NON-PUBLIC DOCUMENT pursuant to the Judicial Conference Policy on Privacy and Public Access – PLEA AGREEMENT as to Daniel Aaron Koch (Court Staff, sbh) (Entered: 02/07/2019)
02/08/2019	<u>39</u>	NOTICE OF HEARING as to Daniel Aaron Koch: Change of Plea Hearing set for 2/14/2019 at 11:00 AM in Cheyenne Courtroom No. 2 (Room No. 2116) before Honorable Alan B. Johnson (Court Staff, sbh) (Entered: 02/08/2019)

02/13/2019	<u>40</u>		EX-PARTE/NON-PUBLIC DOCUMENT pursuant to the Judicial Conference Policy on Privacy and Public Access – PROSECUTOR'S STATEMENT filed by USA as to Plaintiff USA (Hambrick, Stephanie) Modified text on 2/22/2019 (Court Staff, sbh). (Entered: 02/13/2019)
02/14/2019	<u>41</u>		Minute Entry: Change of Plea Hearing as to Daniel Aaron Koch. Guilty plea entered as to Count 2. Proceedings held before Honorable Alan B. Johnson. (Court Reporter: Monique Gentry) (Court Staff, sbh) (Entered: 02/14/2019)
02/14/2019	<u>42</u>		NOTICE OF HEARING as to Daniel Aaron Koch: Sentencing set for 4/25/2019 at 9:30 AM in Cheyenne Courtroom No. 2 (Room No. 2116) before Honorable Alan B. Johnson (Jury trial vacated) (Court Staff, sbh) (Entered: 02/14/2019)
03/15/2019	<u>43</u>		NOTICE RESETTING HEARING as to Daniel Aaron Koch: Sentencing reset for 4/22/2019 at 9:30 AM in Cheyenne Courtroom No. 2 (Room No. 2116) before Honorable Alan B. Johnson (Court Staff, sbh) (Entered: 03/15/2019)
03/21/2019	<u>44</u>		SEALED DOCUMENT – PRESENTENCE REPORT as to Daniel Aaron Koch. Access granted to: Stephanie Hambrick, Tracy Racicot Huckle. Last day to file response to PSR is 4/8/2019. (scanada,) (Entered: 03/21/2019)
03/21/2019	<u>45</u>		SEALED DOCUMENT – PRESENTENCE REPORT RECOMMENDATIONS as to Daniel Aaron Koch Access granted to: No Outside Users. (scanada,) (Entered: 03/21/2019)
04/04/2019	46		EX-PARTE DOCUMENT – OBJECTIONS/RESPONSES TO PRESENTENCE INVESTIGATION REPORT as to defendant Daniel Aaron Koch. NO OBJECTIONS SUBMITTED. (Hambrick, Stephanie) (Entered: 04/04/2019)
04/08/2019	<u>47</u>		EX-PARTE DOCUMENT – OBJECTIONS/RESPONSES TO PRESENTENCE INVESTIGATION REPORT as to defendant Daniel Aaron Koch. (Huckle, Tracy) (Entered: 04/08/2019)
04/09/2019	<u>48</u>		NOTICE OF ATTORNEY APPEARANCE: TJ Forwood appearing for USA (Forwood, Timothy) (Entered: 04/09/2019)
04/09/2019	<u>49</u>		SEALED DOCUMENT – ADDENDUM TO PRESENTENCE REPORT as to Daniel Aaron Koch Access granted to: Stephanie Hambrick, Tracy Racicot Huckle. (scanada,) (Entered: 04/09/2019)
04/09/2019	<u>50</u>		SEALED DOCUMENT – REVISED PRESENTENCE REPORT as to Daniel Aaron Koch Access granted to: Timothy J Forwood, Stephanie Hambrick, Tracy Racicot Huckle. (scanada,) (Entered: 04/09/2019)
04/21/2019	<u>51</u>		EX PARTE/NON-PUBLIC DOCUMENT pursuant to the Judicial Conference Policy on Privacy and Public Access – SENTENCING MEMORANDUM as to defendant Daniel Aaron Koch (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Huckle, Tracy) (Entered: 04/21/2019)
04/22/2019	<u>52</u>		Minute Entry: Sentencing held on 4/22/2019 for Daniel Aaron Koch (1), Count 1 dismissed by oral motion of the government; Count(s) 2, Defendant sentence to 240 months imprisonment; 10 years supervised release; \$100 special assessment; \$14,000 restitution. Proceedings held before Honorable Alan B Johnson. (Court Reporter Monique Gentry.) (Court Staff, ssw) Text Modified

			on 4/22/2019 (Court Staff, ssw). (Entered: 04/22/2019)
04/23/2019	<u>53</u>	14	JUDGMENT and COMMITMENT as to Daniel Aaron Koch (1), Count 1 dismissed by oral motion of the government; Count 2, Defendant sentence to 240 months imprisonment; 10 years supervised release; \$100 special assessment; \$14,000 restitution by the Honorable Alan B Johnson.(Court Staff, ssw) Text Modified on 4/23/2019 (Court Staff, ssw). (Entered: 04/23/2019)
05/03/2019	<u>54</u>	24	NOTICE OF APPEAL by defendant Daniel Aaron Koch re <u>53</u> Judgment, ; (Hucke, Tracy) (Entered: 05/03/2019)
05/06/2019	<u>55</u>		Preliminary Record of appeal sent to USCA and counsel as to Daniel Aaron Koch re <u>54</u> Notice of Appeal The procedures and appeals packet may be obtained from our website at www.wyd.uscourts.gov (Attachments: # <u>1</u> Preliminary Record on Appeal Including Notice of Appeal) (Court Staff, ssw) (Entered: 05/06/2019)
05/06/2019	<u>56</u>		APPEAL NUMBER 19-8034 received from USCA as to Daniel Aaron Koch for <u>54</u> Notice of Appeal filed by Daniel Aaron Koch. Criminal case docketed. Preliminary record filed. DATE RECEIVED: 05/06/2019. Docketing statement due 05/20/2019 for Daniel Aaron Koch. Notice of appearance due on 05/20/2019 for Daniel Aaron Koch and United States of America. Appellant's designation of record due 05/20/2019 for Daniel Aaron Koch. Transcript order form due 05/20/2019 for Daniel Aaron Koch. Appointment motion due 05/20/2019 by Daniel Aaron Koch [19-8034] (Court Staff, ssw) (Entered: 05/06/2019)
05/20/2019	<u>57</u>		DESIGNATION OF RECORD ON APPEAL by defendant Daniel Aaron Koch re <u>54</u> Notice of Appeal (Attachments: # <u>1</u> Docket Sheet) (Sanderford, Dean) (Entered: 05/20/2019)
05/20/2019	<u>58</u>		TRANSCRIPT REQUEST (Transcripts Needed) by defendant Daniel Aaron Koch re <u>54</u> Notice of Appeal. (Sanderford, Dean) (Entered: 05/20/2019)
05/20/2019	59		APPEAL MINUTE ORDER from USCA as to Daniel Aaron Koch re <u>54</u> Notice of Appeal. Transcript order form due 06/03/2019 for Monique Gentry (change of plea, sentencing). (Text Only – No Attachment) [19-8034] (Court Staff, ssw) (Entered: 05/20/2019)
06/03/2019	<u>60</u>		TRANSCRIPT ORDER FORM by court reporter Monique Gentry, phone (307) 274-4661 or email mkg.gentry@gmail.com. Transcripts due 06/23/19. (Gentry, Monique) (Entered: 06/03/2019)
06/24/2019	<u>61</u>		NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Change of Plea as to Daniel Aaron Koch held on 02/14/2019 before Judge Alan B. Johnson re <u>54</u> Notice of Appeal. To purchase a copy of this transcript, please contact Court Reporter Monique Gentry, phone (307) 274-4661 or email mkg.gentry@gmail.com. A party must file a Notice of Intent to Request Redaction within 7 calendar days. If a party fails to request redaction, the unredacted transcript attached to this entry will be made available electronically without redaction. Notice of Intent to Redact due 7/1/2019. Notice of Redaction Request due 7/15/2019. Redacted Transcript Deadline set for 7/25/2019. Release of Transcript Restriction set for 9/23/2019. (Gentry, Monique) (Entered: 06/24/2019)

06/24/2019	<u>62</u>		NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Sentencing as to Daniel Aaron Koch held on 4/22/2019 before Judge Alan B. Johnson re <u>54</u> Notice of Appeal. To purchase a copy of this transcript, please contact Court Reporter Monique Gentry, phone (307) 274-4661 or email mkg.gentry@gmail.com. A party must file a Notice of Intent to Request Redaction within 7 calendar days. If a party fails to request redaction, the unredacted transcript attached to this entry will be made available electronically without redaction. Notice of Intent to Redact due 7/1/2019. Notice of Redaction Request due 7/15/2019. Redacted Transcript Deadline set for 7/25/2019. Release of Transcript Restriction set for 9/23/2019. (Gentry, Monique) (Entered: 06/24/2019)
06/24/2019	<u>63</u>		Transcript Letter transmitted to USCA re <u>54</u> Notice of Appeal. All transcripts that have been ordered from this reporter for this appeal are now filed with the United States District Court, District of Wyoming. (Gentry, Monique) (Entered: 06/24/2019)
06/24/2019	64		Appeal Remark re <u>54</u> Notice of Appeal. Record on appeal/Notice due 7/15/2019 (Court Staff, ssw) (Entered: 06/24/2019)

IN THE UNITED STATES DISTRICT COURT

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

FOR THE DISTRICT OF WYOMING

2018 NOV 15 PM 1:36

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL AARON KOCH,

Defendant.

No.

18 CR 167 J
STEPHAN HARRIS, CLERK
CASPERCt 1: 18 U.S.C. §§ 2252A(a)(5) and
(b)(2)
(Possession of Child
Pornography)Ct 2: 18 U.S.C. §§ 2252A(a)(2)(A) and
(b)(1)
(Attempted Receipt of Child
Pornography)

FORFEITURE NOTICE

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

From on or about August 26, 2018, through on or about August 27, 2018, in the District of Wyoming, the Defendant, **DANIEL AARON KOCH**, did knowingly possess material that contains images of child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), that involve prepubescent minors, and were produced using materials that have been shipped and transported in and affecting interstate and foreign commerce, namely, the Defendant possessed a Gateway Laptop (S/N: NXY2ZAA014344D4CC06600), a product of China, which contains a Hitachi 320GB hard drive (S/N: 110906E203534336666J), a product of China, which contains digital images depicting prepubescent minors engaged in sexually explicit conduct.

In violation of 18 U.S.C. §§ 2252A(a)(5) and (b)(2).

COUNT TWO

On or about September 28, 2018, in the District of Wyoming, the Defendant, **DANIEL AARON KOCH**, knowingly received and attempted to receive child pornography as defined by Title 18, United States Code, Section 2256(8)(A), that had been mailed, shipped, and transported using a means and facility of interstate commerce, namely, the Defendant received and attempted to receive an image of a child engaged in sexually explicit conduct via the Internet, and a cellular telephone network.

In violation of 18 U.S.C. §§ 2252A(a)(2)(A) and (b)(1).

FORFEITURE NOTICE

The allegations contained in this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 2253.

As authorized by 18 U.S.C. § 2253 upon conviction of an offense in violation of 18 U.S.C. §§ 2252A, the Defendant, **DANIEL AARON KOCH**, shall forfeit to the United States of America:

1. Any visual depiction described in 18 U.S.C. § 2252A or any matter which contains any such visual depiction, which was possessed, produced, transported, mailed, shipped or received in violation of 18 U.S.C., Chapter 110;
2. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses; and
3. Any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses.

If any of the property described above, as a result of any act or omission of the Defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 2253(b) and 28 U.S.C. § 2461(c).

A TRUE BILL:

Ink Signature on File in Clerk's Office

FOREPERSON



MARK A. KLAASSEN

United States Attorney

PENALTY SUMMARY

DEFENDANT NAME: DANIEL AARON KOCH

DATE: November 14, 2018

INTERPRETER NEEDED: No

VICTIM(S): Yes

OFFENSE/PENALTIES:

Ct: 1 18 U.S.C. §§ 2252A(a)(5) and (b)(2)
(Possession of Child Pornography)

10-20 Years Imprisonment
Up To \$250,000 Fine
5 Years To Life Supervised Release
\$100 Special Assessment
\$5,000 Special Assessment Pursuant To The Victims Of Sex
Trafficking Act Of 2015

Ct: 2 18 U.S.C. §§ 2252A(a)(2)(A) and (b)(1)
(Attempted Receipt of Child Pornography)

15-40 Years Imprisonment
Up To \$250,000 Fine
5 Years To Life Supervised Release
\$100 Special Assessment
\$5,000 Special Assessment Pursuant To The Victims Of Sex
Trafficking Act Of 2015

TOTALS:

10-60 Years Imprisonment
Up To \$500,000 Fine
5 Years To Life Supervised Release
\$200 Special Assessment
\$10,000 Special Assessment Pursuant To The Victims Of
Sex Trafficking Act Of 2015

AGENT: Ryan Hieb, DCI

AUSA: Stephanie A. Hambrick, Assistant United States Attorney

ESTIMATED TIME OF TRIAL: 1 to 5 days

**WILL THE GOVERNMENT
SEEK DETENTION IN THIS
CASE:**

Yes

**ARE THERE DETAINERS
FROM OTHER
JURISDICTIONS:**

No

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF WYOMING

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
2019 APR 23 AM 7:53
STEPHAN HARRIS, CLERK
CHEYENNE

UNITED STATES OF AMERICA

vs

DANIEL AARON KOCH

Case Number: 18-CR-167-J

Defendant's Attorney(s):
Tracy Racicot Hucke

JUDGMENT IN A CRIMINAL CASE

THE DEFENDANT pled guilty to count 2.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

Title and Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 U.S.C. §§ 2252A(a)(2) (A) and (b)(1)	Receipt of Child Pornography	September 28, 2018	2

The defendant is sentenced as provided in pages 2 through 10 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

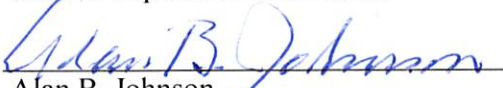
Count 1 is dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of residence or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's USM No: 17320-091

April 22, 2019

Date of Imposition of Sentence


Alan B. Johnson
United States District Judge

4/22/19
Date

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 240 months.

The Court recommends to the Bureau of Prisons that the defendant be placed at FCI Oregon to be near his family.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____, with a certified copy of this Judgment.

United States Marshal/Bureau of Prisons

By: _____
Authorized Agent

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 10 years.

The defendant shall not commit another federal , state or local crime.

The defendant shall not illegally possess a controlled substance.

The defendant shall refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter (as determined by the court) for use of a controlled substance, but the condition stated in this paragraph may be ameliorated or suspended by the court for any individual defendant if the defendant's presentence report or other reliable information indicates a low risk of future substance abuse by the defendant.

If a fine is imposed and has not been paid upon release to supervised release, the defendant shall adhere to an installment schedule to pay that fine.

The defendant shall (A) make restitution in accordance with 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, 3663A, and 3664; and (B) pay the assessment imposed in accordance with 18 U.S.C. § 3013. If there is a court-established payment schedule for making restitution or paying the assessment (see 18 U.S.C. § 3572(d)), the defendant shall adhere to the schedule.

The defendant shall submit to the collection of a DNA sample at the direction of the United States Probation Office if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. § 14135a).

The defendant must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense.

The defendant shall comply with the standard conditions that have been adopted by this Court as defined in the contents of the Standard Conditions page (if included in this judgment). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

Mandatory drug testing is waived.

The defendant shall not access the Internet with any device unless such device has filtering software installed that has been approved by the Probation Officer. The defendant shall not make

any attempt to conceal or erase the names of sites visited and shall configure any computer he uses to retain history for at least 30 days.

The defendant shall not possess, send or receive any pornographic, sexually oriented, or sexually stimulating visual, auditory, telephonic or electronic signs, signals or sounds from any source, unless part of a treatment regimen. Defendant shall not visit bulletin boards, chat rooms or other Internet sites where any pornographic, sexually oriented or sexually stimulating images or messages are discussed. He shall not send or receive e-mail or other documents discussing any pornographic, sexually oriented, or sexually stimulating images or messages.

The defendant shall not use or possess any computer not authorized by the United States Probation Officer. The defendant shall consent to having installed on his computer(s), at his own expense, any hardware or software systems to monitor computer use. The defendant may be limited to possessing only one personal internet capable device, to facilitate effective monitoring of his internet related activities. The defendant shall consent to the Probation/Pretrial Services Officer conducting periodic unannounced examinations of his computer(s), hardware, software, and other electronic devices, which may include retrieval and copying of all data from his computer(s). This also includes the removal of such equipment if necessary for the purpose of conducting a more thorough inspection or investigation. The defendant shall agree to sign and abide by the forensic intake agreement and the computer use agreement provided by the Probation Office. For the purposes of this condition, the term computer is defined at 18 U.S.C. § 1030(e), which includes, but is not limited to, traditional computers (Windows/Apple/Linux based machines), cellular phones, internet tablets, and game machines and related accessories.

The defendant shall participate in and successfully complete sex offender treatment in a program approved by the United States Probation Officer, and abide by the rules, requirements and conditions of the treatment program. The defendant shall not discontinue treatment without the permission of the probation officer.

The defendant shall be required to submit to periodic polygraph testing as a means to ensure that he or she is in compliance with the requirements of his supervision or treatment program.

The defendant shall not associate with children under the age of 18 except in the presence of a responsible adult who is aware of the nature of the defendant's background and current offense and who has been approved by the Probation Officer.

The defendant shall register with the State Sex Offender Registration Agency in any state where the defendant resides, is employed, carries on a vocation, or is a student, as directed by the Probation Officer.

The court orders, as an explicit condition of supervised release for the defendant, who is a felon and required to register under the Sex Offender Registration and Notification Act, that he submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communications or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion

concerning a violation of a condition of supervised release or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.

The defendant shall participate in a cognitive-behavioral treatment regimen that may include, but is not limited to, Moral Reconation Therapy, Cognitive Thinking, Thinking for a Change, or Interactive Journaling. The defendant shall actively participate in treatment until successfully discharged or until the United States Probation Officer has excused the defendant from the treatment regimen.

STANDARD CONDITIONS OF SUPERVISION

1. The defendant shall report to the probation office in the federal judicial district where he or she is authorized to reside within 72 hours of the time the defendant was sentenced or released from imprisonment, unless the probation officer instructs the defendant to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, the defendant will receive instructions from the court or the probation officer about how and when to report to the probation officer, and the defendant shall report to the probation officer as instructed.
3. The defendant shall not knowingly leave the federal judicial district where he or she is authorized to reside without first getting permission from the court or the probation officer.
4. The defendant shall answer truthfully the questions asked by the probation officer.
5. The defendant shall live at a place approved by the probation officer. If the defendant plans to change where he or she lives or anything about his or her living arrangements (such as the people the defendant lives with), the defendant shall notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. The defendant shall allow the probation officer to visit the defendant at any time at his or her home or elsewhere, and the defendant shall permit the probation officer to take any items prohibited by the conditions of the defendant's supervision that he or she observes in plain view.
7. The defendant shall work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses the defendant from doing so. If the defendant does not have full-time employment he or she shall try to find full-time employment, unless the probation officer excuses the defendant from doing so. If the defendant plans to change where the defendant works or anything about his or her work (such as the position or the job responsibilities), the defendant shall notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. The defendant shall not communicate or interact with someone the defendant knows is engaged in criminal activity. If the defendant knows someone has been convicted of a felony, the defendant shall not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If the defendant is arrested or questioned by a law enforcement officer, the defendant shall notify the probation officer within 72 hours.

10. The defendant shall not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person, such as nunchakus or tasers).
11. The defendant shall not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that the defendant poses a risk to another person (including an organization), the probation officer may require the defendant to notify the person about the risk and the defendant shall comply with that instruction. The probation officer may contact the person and confirm that the defendant has notified the person about the risk.
13. The defendant shall follow the instructions of the probation officer related to the conditions of supervision.

FINANCIAL PENALTIES

The defendant shall pay the following total financial penalties in accordance with the schedule of payments set out below.

Count	Assessment	Restitution	Fine
2	\$100.00	\$14,000.00	
Notes:			
Totals:	\$100.00	\$14,000.00	

The fine and/or restitution includes any costs of incarceration and/or supervision. The fine and/or restitution, which is due immediately, is inclusive of all penalties and interest, if applicable.

The defendant shall pay interest on any fine and/or restitution of more than Two Thousand Five Hundred Dollars (\$2,500.00), unless the fine and/or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the below payment options are subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

The court has determined that the defendant does not have the ability to pay interest or penalties and it is ordered that:

The interest and penalties not be applied to fine and/or restitution.

RESTITUTION

The defendant shall make restitution to the following persons in the following amounts:

Name of Payee	Amount of Restitution
Office of the Clerk United States District Court 2120 Capitol Avenue 2nd Floor, Room 2131 Cheyenne, WY 82001	\$14,000.00

SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties; (7) JVT Assessment.

The total fine and other monetary penalties shall be due in full immediately

IT IS ORDERED the defendant shall pay a special assessment fee in the amount of \$100.00, which shall be due immediately. Payments for monetary obligations shall be made payable by cashier's check or money order to the Clerk of the U.S. District Court, 2120 Capitol Avenue, Room 2131, Cheyenne, Wyoming 82001 and shall reference the defendant's case number, 18-CR-167-J. The defendant shall participate in the Inmate Financial Responsibility Program to pay his/her monetary obligations. The defendant shall pay all financial obligations immediately. While incarcerated, the defendant shall make payments of at least \$25 per quarter. Any amount not paid immediately or through the Inmate Financial Responsibility Program shall be paid commencing 60 days after his/her release from confinement in monthly payments of not less than 10% of the defendant's gross monthly income. All monetary payments shall be satisfied not less than 60 days prior to the expiration of the term of supervised release.

TRACY RACICOT HUCKE,
Asst. Federal Public Defender
214 W. Lincolnway Ste. 31A
Cheyenne WY 82001
Wyoming State Bar 7-4880
Tracy.Hucke@fd.org
307-772-2781

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL AARON KOCH,

Defendant.

DOCKET 18-CR-167-F

NOTICE OF APPEAL

Notice is hereby given that Defendant, Daniel Aaron Koch, through appointed counsel and the Office of the Federal Public Defender, files this Notice of Appeal to the Tenth Circuit Court of Appeals, and appeals the Judgment in a Criminal Case (Doc No. 53) that was entered on April 23, 2019.

DATED this 3rd day of May 2019.

Respectfully submitted,

VIRGINIA L. GRADY
Federal Public Defender

/s/ Tracy Racicot Hucke

Tracy Racicot Hucke
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served on the 3rd day of May 2019, upon the following by:

- ☐ e-mail
- ☐ hand delivery to USAO court box
- ☐ fax
- ☐ mail, postage paid
- ☒ electronic filing

/s/ Tracy Racicot Hucke

Tracy Racicot Hucke